

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ANTHONY SMITH and
FLYING A.J.'S TOWING COMPANY,
(a Wisconsin limited liability company)

Plaintiffs,

v.

JOHN WILSON (in his official capacity as
Police Chief and in his individual capacity),

and

TOWN OF BELOIT, WISCONSIN
(a municipal corporation)

Defendants.

**COURT'S RULINGS ON OBJECTIONS TO DEPOSITION
TESTIMONY OF DR. KENNETH ROBBINS**

Dr. Robbins will be testifying by means of videotaped deposition. The parties submitted designations and counter-designations, a number of which contain objections. Accordingly, the court rules as follows:

Defendants' Designations	Plaintiffs' Designations	Objections	Court's Ruling
Page 3 & 4 (Introduction)			
Page 4 lines 13 - 25			
Page 5 lines 1 – 25			
Page 6 lines 1 – 25			
Page 7 lines 1 – 25			
Page 8 lines 1 – 25			

Page 9 lines 1 – 25			
Page 10 lines 1 – 25			
Page 11 lines 7 – 25		Page 11 lines 1 - 4	Objection Waived
Page 12 lines 1 – 25		Page 12 lines 1-21	Sustained as to Page 12 lines 22-25, otherwise overruled.
Page 13 lines 1 – 25			
Page 14 lines 1 – 25		Page 14 lines 1-6	Overruled
Page 15 lines 1 – 25		Page 15 lines 1-25	Overruled
Page 16 lines 1 – 25		Page 16 lines 1-25	Overruled
Page 17 lines 1 – 25		Page 17 lines 4-25	Overruled
Page 18 lines 1 – 25		Page 18 lines 2-25	Overruled
Page 19 lines 1 – 25			
Page 20 lines 1 – 25		Page 20 lines 1-6, 23-25	Overruled
Page 21 lines 1 – 25		Page 21 lines 1-13	Overruled
Page 22 lines 1 – 25		Page 22 lines 8-25	Overruled
Page 23 lines 1- 14, 19 – 25		Page 23 lines 15 – 17	Sustained; exclude Page 23 lines 8-20
		Page 23 lines 1-7 and 21-25	Form objections were waived
Page 24 lines 1 – 25		Page 24 line 1-22	Overruled
Page 25 lines 1 – 7		Page 25 lines 8 – 25	Overruled
Page 26 lines 17 – 25		Page 26 lines 1 – 16	Overruled; but excluding Page 26 lines 17-25 and Page 27 line 1 as cumulative.
Page 27 lines 1 – 25 (except the following sentence which appears on lines 20-21: “He’s had other lawsuits about this issue”).		Page 27 lines 1-19, 22-25	Sustained as to Page 27 lines 7-25 and otherwise overruled.
Page 28 lines 1 – 25		Page 28 line 1-25	Sustained as to Page 28 lines 1-3 and otherwise overruled.
Page 29 lines 1 – 25		Page 29 lines 3-9	Overruled
Page 30 lines 1 – 25		Page 30 lines 1-25	Overruled
Page 31 lines 1 – 25		Page 31 lines 1-25	Sustained as to Page 31 lines 14-25 and otherwise overruled.

Page 32 lines 1 – 25		Page 32 lines 1-25	Sustained as to Page 32 lines 1-25.
Page 33 lines 1 – 25		Page 33 lines 1-25	Sustained as to Page 33 lines 1-25.
Page 34 lines 1 – 25		Page 34 lines 1-25	Sustained as to Page 34 lines 1-25.
Page 35 lines 1 – 6			
	Page 35 lines 7-25		
	Page 36 line 1	Page 36 lines 2 – 4	Overruled
	Page 36 lines 5-17	Page 36 lines 20 – 25; Page 37 lines 11 – 17	Page 36 lines 11-17 excluded.
	Page 37 lines 18-23		Page 37 lines 18-23 excluded.
	Page 39 lines 4-9		
	Page 41 lines 2-7		
	Page 43 lines 11-25	Page 43 lines 18-19	Overruled
	Page 44 lines 1-25		
	Page 45 lines 1-25		
	Page 46 lines 1-3	Page 46 lines 4 – 8	Overruled
	Page 46 lines 24-25		
	Page 47 lines 1-3		
		Page 48 lines 15 – 17	n/a (neither party has designated the testimony subject to the objection)
	Page 48 lines 21-25		
	Page 50 lines 14-25		
	Page 51 lines 1-25		
	Page 52 lines 1-18	Page 52 lines 19 – 25; Page 53 line 1	Sustained; Page 52 lines 14-18 excluded.
	Page 53 lines 14-25	Page 53 lines 19, 20	Overruled
	Page 54 lines 1-25	Page 54 lines 4 – 5	Overruled
	Page 55 lines 1-25		
	Page 56 lines 1-3		
Page 56 lines 21 – 25		Page 56 lines 21-25	Overruled
Page 57 lines 1 – 22		Page 57 lines 1-22	Overruled
Page 59 lines 9 – 15, 19 – 25		Page 59 lines 9-15, 19-25	Page 59 lines 9-15, 19-25 excluded as cumulative.
Page 60 lines 1 – 25			Page 60 lines 1-16 is excluded as cumulative.
Page 61 lines 1 – 16			

		Page 61 lines 23 – 25	n/a
		Page 62 lines 6 – 8	n/a
	Page 62 lines 10-14	Page 62 lines 15 – 17	Sustained; Page 62 lines 10-14 excluded.
	Page 64 lines 19-25; Page 65 lines 1-25; Page 66 lines 1-12	Page 65 lines 16 – 18	Sustained; Page 64 lines 19-25, Page 65 lines 1-25, and Page 66 lines 1-12 excluded.
		Page 66 lines 20 – 24	n/a
	Page 67 lines 1-19		
	Page 69 lines 22-25		
	Page 70 lines 1-8		
		Page 70 lines 15 – 16	n/a
		Page 71 lines 20 - 21	n/a
		Page 74 lines 6 – 16	n/a
	Page 74 lines 18-25		
	Page 75 lines 1-23		
	Page 76 lines 1-8		
Page 76 lines 9 – 25			
Page 77 lines 1 – 3			
	Page 77 lines 4-5		
		Page 77 lines 17 - 21	n/a

Entered this 21st day of April, 2011.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge